

DEC 02 2004

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MS RCE

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From: Karen R. Zachow, Ph.D. – Reg. No. 46,332 **Date:** December 2, 2004

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Comments:

ATTORNEY DOCKET: 377882001420
GROUP ART UNIT: 1645
EXAMINER: N. Minnifield
SERIAL NO.: 09/927,422
FILING DATE: August 10, 2001
INVENTOR(S): Gary VAN NEST et al.
TITLE: BIODEGRADABLE IMMUNOMODULATORY FORMULATIONS
AND METHODS FOR USE THEREOF

Papers Attached:

1. Request for Continued Examination (RCE) Transmittal (1 page)
2. Fee Transmittal (1 page + duplicate for fee processing)
3. Petition for Extension of Time (1 page)

sd-233519

PAGE 1/5 *RCVD AT 12/2/2004 8:45:37 PM [Eastern Standard Time]* SVR:USPTO-EFXRF-1/4 * DNI:8729302 * CSID:858 720 5125 * DURATION (mm:ss):02:18

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PTO/SB/030 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031
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Request For Continued Examination (RCE) Transmittal		Application Number	09/927,422
Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Filing Date	August 10, 2001
		First Named Inventor	Gary VAN NEST
		Art Unit	1645
		Examiner Name	N. Minnifield
		Attorney Docket Number	377882001420

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other Consider the arguments in the Response to Final Office Action filed 11/2/04.

b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)

ii. Affidavit(s)/Declaration(s) iv. Other Fee Transmittal (1 page + duplicate for fee processing); Petition for Extension of Time(1 page); Facsimile coversheet (1 page)

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

i. RCE fee required under 37 CFR 1.17(e)

ii. Extension of time fee (37 CFR 1.136 and 1.17)

iii. Other _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature	<u>Karen R. Zachow</u>		Date
Name (Print/Type)	Karen R. Zachow, Ph.D.		December 2, 2004
		Registration No. 46,332	

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at (703) 572-8306 on the date shown below.

Dated: December 2, 2004

Signature:  (Grace Yu)

sd-233507

PTD/SB/17 (10-04-02)

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 555.00

Complete if Known

Application Number	09/927,422
Filing Date	August 10, 2001
First Named Inventor	Gary VAN NEST
Examiner Name	N. Minnifield
Art Unit	1645
Attorney Docket No.	377882001420

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number: 03-1952
 Deposit Account Name: Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001 750	2001 385					Utility filing fee	
1002 350	2002 175					Design filing fee	
1003 550	2003 275					Plant filing fee	
1004 780	2004 385					Reissue filing fee	
1005 160	2005 80					Provisional filing fee	
SUBTOTAL (1) (\$)			0.00				

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
Total Claims						Extra claim fees for claims from below	
Independent Claims						=	
Multiple Dependent						=	

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202 18	2202 9					Claims in excess of 20	
1201 88	2201 44					Independent claims in excess of 3	
1203 300	2203 150					Multiple dependent claim, if not paid	
1204 88	2204 44					Reissues independent claims over original patent	
1205 18	2205 9					Reissues claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			0.00				

- or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65					Surcharge - late filing fee or oath	
1052 50	2052 25					Surcharge - late provisional filing fee or cover sheet	
1053 150	2053 150					Non-English specification	
1512 2,520	1612 2,520					For filing a request for an early reexamination	
1804 920*	1804 920*					Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*					Requesting publication of SIR after Examiner action	
1281 110	2281 55					Extension for reply within first month	
1252 430	2252 215					Extension for reply within second month	
1253 880	2253 490					Extension for reply within third month	
1254 1,530	2254 785					Extension for reply within fourth month	
1255 2,080	2255 1,040					Extension for reply within fifth month	
1401 340	2401 170					Notice of Appeal	
1402 540	2402 170					Filing a brief in support of an appeal	
1403 300	2403 150					Request for oral hearing	
1451 1,510	1451 1,510					Petition to institute a public use proceeding	
1452 110	2452 55					Petition to revive - involuntary	
1463 1,370	2453 685					Petition to revive - unintentional	
1901 1,570	2501 685					Utility issue fee (or reissue)	
1502 490	2502 245					Design issue fee	
1503 860	2503 330					Plant issue fee	
1480 130	1480 130					Petitions to the Commissioner	
1807 50	1807 50					Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180					Submission of Information Disclosure Stmt	
8021 40	8021 40					Recording each patent assignment per property (times number of properties)	
1809 790	2809 395					Filing a submission after final rejection (37 CFR 1.129(e))	
1810 780	2810 295					For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2001 395					Request for Continued Examination (RCE)	395.00
1802 800	1802 800					Request for expedited examination of a design application	
Other fee (specify)						Two month extension of time (minus one month previously paid: \$215.00 - \$55.00 = \$160.00)	160.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 555.00

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Karen R. Zachow, Ph.D.	Registration No. (Attorney/Agent)	48,332	Telephone (858) 720-6191
Signature	<i>Karen R. Zachow</i>	Date	December 2, 2004	

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